



## **MINISTRY OF LEGAL & CONSTITUTIONAL AFFAIRS**

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### **MINUTES**

#### **22<sup>nd</sup> Meeting of the Constitutional Reform Committee (CRC)**

**Venue: Jamaica House Banquet Hall**

**Date: September 20, 2023**

**Time: 9:30 am**

### **AGENDA**

1. Call to Order
2. Prayer
3. National Pledge
4. Apologies for Absence/Lateness
5. Confirmation of Agenda
6. Confirmation of Minutes
  - 6.1. 21<sup>st</sup> Meeting of the CRC
7. Matters Arising from the Minutes
8. Chairman's Remarks
9. Matters for Deliberation and Discussion
  - 9.1. Office of the President of the Republic of Jamaica
    - 9.1.1. Minimum Qualifications
    - 9.1.2. Selection Process
    - 9.1.3. Powers of the President (deliberations subject to work of the State Affairs Sub-Committee)

10. Any Other Business

11. Date and Time of Next Meeting

12. Adjournment

## **ATTENDEES:**

- Honourable Marlene Malahoo Forte, KC, JP, MP (Chairman)
- Ambassador Rocky Meade, CD, JP, PhD (Co-Chairman – Office of the Prime Minister)
- Dr Derrick McKoy, CD, KC (Attorney General of Jamaica)
- Senator Ransford Braham, CD, KC (Government Senator)
- Senator Donna Scott-Mottley (Parliamentary Opposition – Senate)
- Mr Anthony Hylton, CD, MP (Parliamentary Opposition – House of Representatives)
- Mr Hugh Small KC (Consultant Counsel and Nominee of the Leader of the Parliamentary Opposition)
- Dr the Hon. Lloyd Barnett, OJ (National Constitutional Law Expert)
- Dr Elaine McCarthy (Chairman – Jamaica Umbrella Groups of Churches)
- Dr David Henry (Wider Society – Faith Based)
- Dr Nadeen Spence (Civil Society – Social and Political Commentator)
- Mrs Laleta Davis Mattis, CD, JP (National Council on Reparations) via video link
- Mr Sujae Boswell (Youth Advisor) via video link
- Professor Richard Albert (International Constitutional Law Expert – University of Texas at Austin) via video link

## **Apologies for Absence**

- Senator Hon. Thomas Tavares-Finson, OJ, CD (President of the Senate and Commissioner of the Electoral Commission of Jamaica)

## **Secretariat**

### **Ministry of Legal and Constitutional Affairs**

- Mr Wayne O Robertson, JP, Permanent Secretary
- Ms Judith Grant, Chief Parliamentary Counsel via video link
- Ms Nadine Wilkins, Director, Legal Reform Department
- Ambassador Sheila Sealy Monteith, CD, JP, Permanent Secretary, Ministry of Foreign Affairs & Foreign Trade

- Mr Christopher Harper, Senior Constitutional Reform Officer (Actg.)
- Ms Roxene Nickle, Advisor/Consultant
- Ms Nastacia McFarlane, Director, Corporate Communications and Public Relations
- Mrs Janelle Miller-Williams, Senior Director, Legal Education (Actg.)
- Mr. Ivan Godfrey, Legal Education Officer (Actg.)
- Mr Makene Brown, Legal Officer
- Ms. Christal Parris-Campbell, Assistant Parliamentary Counsel via video link
- Mr Winston Lowe, Public Relations Officer (Actg.)
- Ms Shaedane Facey, Strategic Planner (Actg.)
- Ms Georgette Campbell, Administrative Assistant

## **1. CALL TO ORDER**

- 1.1. The meeting was called to order by the Chairman, the Hon. Marlene Malahoo Forte at 10:08am when quorum was achieved.

## **2. PRAYER**

- 2.1. Prayer was offered by Dr Elaine McCarthy.

## **3. NATIONAL PLEDGE**

- 3.1. The National Pledge was recited.

## **4. APOLOGIES FOR ABSENCE**

- 4.1. An apology for absence was received from Senator the Hon. Thomas Tavares-Finson.
- 4.2. Apologies for lateness were tendered on behalf of Mrs Laleta Davis-Mattis, Dr Lloyd Barnett and Dr Nadeen Spence.

## **5. CONFIRMATION OF AGENDA**

- 5.1. The Agenda was confirmed without amendments on a motion by Senator Donna Scott-Mottley and seconded by Dr David Henry.

## **6. CONFIRMATION OF MINUTES**

- 6.1. The Minutes of the 21<sup>st</sup> Meeting of the Constitutional Reform Committee held on September 13, 2023 were corrected and confirmed on a motion by Dr Elaine McCarthy and seconded by Dr David Henry.

## **7. MATTERS ARISING FROM THE MINUTES**

- 7.1. Senator Scott-Mottley recalled that at the last meeting, there was some discussion around the Office of the President and how the Committee intended to communicate to the public the differences between an Executive and a Non-Executive President. She shared that she made a presentation to the National Executive Council of the People's National Party (PNP) outlining the role of the Committee, the phases embarked upon and the current focus on the abolition of the Monarchy. She noted that amidst the vibrant discussions, there were many who expressed a desire to vote for the President as there was a belief that this would strengthen accountability. While she had her views about the type of President, she shared that she was sensitive to the fact that the Committee could not be driven by its own views. She further stated that if an elected President could be accommodated in a Parliamentary Democracy, the Committee should determine how to communicate such to the public.
- 7.2. The Chairman, in response, stated that as she reviewed the comments and submissions from the public, it was clear that those who expressed perspectives wanted greater accountability and, in some spaces, greater accountability meant being able to vote for the President. She further shared that there were two competing ideas which needed further assessment. Firstly, if it was agreed that the Office of the President of the Republic of Jamaica would be above competitive party politics and that the holder of the Office would be a symbol of unity, how

would voting for a President in Jamaica's current political context and culture impact this ideal. Secondly, it was noted that where the country disembarked or made its first stop on the journey to becoming a Republic may not be the final one. She articulated that the bane of contention for many was that those who opted out of the system were disgruntled about who served as the Head of Government as they were unable to participate in the selection of such a person. The calls for greater accountability shaped the context within which the transition to a Republic existed.

- 7.3. Dr Henry echoed the sentiment that persons wanted to elect the President and queried whether such an election was inconsistent with the Parliamentary system.
- 7.4. Mr Small enquired of Senator Scott-Mottley the role that the members of the National Executive Council envisaged for the President and whether they also foresaw the existence of a Prime Minister and a Cabinet.
- 7.5. Senator Scott-Mottley shared that because of the nature of the meeting, she was unable to go into great detail but noted that a day would be set aside to enable persons to express their perspectives on how they saw the Presidency evolving.
- 7.6. The Attorney General shared that there were many contending views and highlighted Singapore as an example of a Parliamentary system of Government with a directly elected President that worked well. He, however, noted that they were willing to make such a commitment on the basis that they needed to address issues such as the ethnic divide.
- 7.7. The Chairman noted that the Committee needed to identify the values that it sought to elevate and opined that in the example of Singapore, their values reflected equality among the ethnic groups whereby each group would have had an opportunity to have a member at the helm of their nation. For Jamaica, there was a need to rise above competitive politics because Jamaica's divide was not ethnic but partisan.
- 7.8. Dr Spence reiterated the importance of communication around the different types of Presidencies. She shared that persons were conflating an elected President with an Executive system and noted that to change to an Executive model would require a more consequential change to the nature of Jamaica's current political system. Conversations about impeachment were not necessarily conversant with a Parliamentary system unless it was designed to be so. She also agreed that an election did not automatically make leaders more accountable.
- 7.9. The Chairman then suggested that the Presidential models suggested by Dr Barnett at the

last meeting be formulated clearly to facilitate better communication and noted that the calls for an elected President may be a proxy for another issue, a matter which Members should give additional thought.

## **8. CHAIRMAN'S REMARKS**

**8.1.** While there were many important matters brought to the attention of the Committee, the Chairman encouraged Members to maintain focus on the work to advance the abolition of the Monarchy. She also noted and considered reasonable, Mr Hylton's call for the Government and the ruling Jamaica Labour Party to state their views on the CCJ and for the Cabinet Note to so reflect.

## **9. MATTERS FOR DELIBERATION AND DISCUSSION**

### **9.1. OFFICE OF THE PRESIDENT OF THE REPUBLIC OF JAMAICA**

**9.2.** The Chairman sought the leave of Members to consider the process of selecting the President since discussions on the matter had begun.

### **9.3. SELECTION PROCESS**

**9.3.1.** The Chairman reminded Members that the 1995 Joint Select Committee on Constitutional and Electoral Reform (JSCCER) recommended that the President be appointed on the nomination of the Prime Minister in consultation with the Leader of the Opposition subject to Parliamentary confirmation on a secret ballot by a two-thirds majority. She then invited Members to consider the views of the public on this matter.

**9.3.2.** Dr Spence opined that based on the interventions received to date, it was clear that people did not sufficiently understand the Executive Presidential system and the features that came with it. She noted areas such as impeachment and the right to recall and expressed that those calling for an elected President believed that they would be able to exercise such measures on the basis that existing accountability mechanisms were not as strong. She queried the approach that would be taken by

the Committee in its response and whether there were Parliamentary systems which provided such options.

**9.3.3.** Dr Henry invited Members to recall the Report of the JSCCER and noted that it was recommended to Parliament that an Impeachment Procedure which dealt with the four major areas of the impeachment process be included in the Constitution namely–

- i) The definition of impeachable offences
- ii) The identification of persons amenable to the process
- iii) The organisation of the decision-making mechanism; and
- iv) The procedure for initiation and conduct of the proceedings

**9.3.4.** Professor Albert shared an observation on how impeachment played out in the United States of America by noting that while it sounded good, in principle, whenever an impeachment was done it became more political than anything else.

**9.3.5.** Mr Hylton shared that many Jamaicans have conflated what was often seen on CNN and suggested that it not be copied. He opined that impeachment was purely theatre and a deliberately political process, as it did not involve the courts but instead encompassed a process initiated by the House and conferred by the Senate.

**9.3.6.** Dr Henry read aloud a part of Dr Barnett’s lecture notes on the subject of impeachment.

**9.3.7.** Senator Braham, in commenting on the role of the court in impeachment processes opined that it would be a grave mistake to involve the courts, as impeachment was a political process which would taint the court and undermine the people’s trust and confidence in it. He suggested that if an impeachment process was adopted, a system which used a petition which invited the input of the people may be more pragmatic and if a Member of Parliament, for example, committed an impeachable offence and had to be removed from office, there would be a by-election.

*Dr Barnett joined the Meeting*

**9.3.8.** The Chairman noted the timely arrival of Dr Barnett amidst discussions around the issue of how to frame the type of Presidency that would facilitate clearer understanding among the public. She highlighted that Members had been



considering the call for greater accountability from government and the suggestion that there was an expectation among people that an elected President would bring forth impeachment and recall mechanisms.

- 9.3.9.** Dr Spence expressed hesitancy in engaging in conversations about Jamaica being a corrupt place given the institutional arrangements that were already built into Government and political structures to account for breaches of process. She recalled a presentation whereby it was asserted that Jamaica spent more money on institutions of accountability than what it projected to be the cost of corruption itself. She suggested that the Committee communicate appropriately to the electorate how the system currently worked and whether the constitutional process would be able to fix a problem for which a system already existed.
- 9.3.10.** Senator Scott-Mottley iterated that there was a problem with governance. She highlighted that while there were a number of offices which dealt with corruption, subsequent laws were passed because such offices were deemed inefficient. She expressed that when the Integrity Commission Act was passed, she was not totally supportive. At the time, she wondered why existing entities were not resourced rather than create a super entity which, if not properly established, would compound an existing problem.
- 9.3.11.** The Chairman noted that regardless of where the Committee stood on the inclusion of impeachment, it should be communicated that progress had been made regarding Jamaica's institutional arrangements.
- 9.3.12.** Mr Small shared that the only way to dissuade the public's distrust was the depth, intensity and urgent prioritisation of the education that was to take place.
- 9.3.13.** The Chairman, in response, shared that when the Prime Minister formed the Ministry of Legal and Constitutional Affairs, there was a view that a decade of intense work was required to achieve a reset. She noted that most of the requests made flowed from a change in the form of Government from a Constitutional Monarchy to a Constitutional Republic. Failure to make a system work was not an indicator that the system itself could not work. She expressed hope that Jamaica would continue to see people of integrity holding office.
- 9.3.14.** Senator Braham shared that when systems in place to prevent corruption were too

onerous or did not work, the service provided was often affected. He also cautioned Members to consider the issue of impeachment carefully. He reiterated that the Judiciary should not be involved, as it risked being politicised and urged Members to find a mechanism that could take the process back to the people. He opined that impeachment would be another handicap and cripple on government activity and that focus should instead be spent on determining how to fix and/or enhance systems which already existed.

**9.3.15.** Mr Hylton shared that having served as a Minister in at least three Ministries, he had seen how truncated the system was. He suggested that in considering the impeachment provision, Members should consider what it would look like and how it would be framed as there existed the risk that if sufficient attention was not paid, more problems would be created.

**9.3.16.** The Chairman invited Members Hylton, Scott-Mottley and Small to share how their views on the issue of impeachment was impacted by the Private Member's Bill put forward by the Leader of the Opposition who nominated them to the Committee.

**9.3.17.** Senator Scott-Mottley expressed that her views remained private for now. Mr Hylton opined that the action of the Party Leader was in response to particular urgings in the public space; and Mr Small shared that he did not think, for practical reasons, that any legislative framework for impeaching either Parliamentarians or holders of higher office in the public service would be established in the near future. He suggested moving in a direction which made existing machinery work and raised a concern that if people were in favour of an elected President, it was because they attached to it the perception that it would involve impeachment or recall. He noted the growing cynicism of the public and encouraged Members not to make the same mistake of the last 62 years and to keep the process of constitutional reform under constant review. He opined that the Committee was in danger of marking time and suggested that an intense process of Constitutional Reform Education begin.

*COFFEE BREAK*

- 9.3.18.** The Chairman invited Ambassador Monteith to share some of the important work being done by Government to bring greater understanding of matters of protocol to the holders of high offices.
- 9.3.19.** Ambassador Monteith highlighted two (2) activities, namely the convening of the very first Protocol Conference by the Ministry of Foreign Affairs and Foreign Trade and the launching of the Service Excellence Policy by the Prime Minister, rooted in the Cabinet Office. She noted that the Protocol Conference allowed participants to understand the vision of the way in which service was to be delivered. Regarding the Policy, she shared that a key activity of its Vision was that Ministers were authorised to establish Customer Service Units with an understanding that customers were both internal and external. It required an understanding of what was meant by service excellence and how it could be used to systematically address challenges and measure impact.
- 9.3.20.** Mr Hylton enquired whether the Ministry of Foreign Affairs was moving to ISO Certification.
- 9.3.21.** Ambassador shared that while her Ministry had not, the Passport, Immigration and Citizenship Agency (PICA) along with others were certified, as they were more heavily bound to service delivery.
- 9.3.22.** The Chairman, having noted that the deliberations on the Office of the President had been expanded to include impeachment, invited Dr Barnett to summarise the views that called for caution in implementing the recommendation of the JSCCER.
- 9.3.23.** Dr Barnett conveyed that in the area of government and constitution-making, there was no limit to the proposals suggesting alternatives. The practical questions were how it had worked and how it would work. He noted that impeachment was something that existed in England in the Middle Ages but had since been abolished there. However, the Americans, by then, had adopted it without much success. He shared that recently, a Texan Attorney General was accused of abuse, corruption and various elements of maladministration. Evidence was given by top executives in the department he supervised. However, on a purely political vote he was absolved in that process. Dr Barnett further noted that two (2) impeachment charges were brought against former President Donald Trump. He highlighted that persons

who declared that he was guilty voted for his acquittal. In light of that, he shared that impeachment was a process where politicians moved against their fellow politicians and was likely to have unfair, unjust, irrational consequences by virtue of the political considerations which dominated when impeachment existed.

**9.3.24.** He further highlighted that in old English statute, impeachable offences were treason and high misdemeanours, which were both difficult to define. Nevertheless, Americans adopted the terminology and later encountered difficulty in defining them. Dr Barnett shared that impeachment was a political exercise in which the absence of political motivation was difficult to ensure. He also noted that it was an exercise in which the political mechanism for its administration required the assistance of investigators and experts in the presentation of charges, so it would not be possible to have an impeachment system without impeachment capabilities. He opined that it would not be possible to impose such a system in an environment that struggled to maintain existing systems and therefore did not see a basis to reasonably support the inclusion of an impeachment mechanism in the new Constitution.

**9.3.25.** The Chairman expressed that as Minister, she had been resolute in her stance against putting forward a proposal which could not be implemented or enforced, because non-enforcement risked the creation of a sub-culture. There was no benefit to be gained by enacting laws that could not be enforced.

**9.3.26.** Senator Scott-Mottley in expressing her reservation shared that impeachment could descend into partisan politics and that the processes outlined could easily be manipulated and distracting to the work of Government and governance and noted that there were other pieces of legislation and practices that would be useful to obtain the objectives set out.

**9.3.27.** The Chairman invited Members to consider that the passage of time between the 1995 recommendations and now had allowed the Committee to observe impeachment at work. As has been seen, even those who believed that conduct was bad voted to acquit for political reasons.

**9.3.28.** She then invited Members of the Public Engagement and Communications (PEC) Sub-Committee to formulate the communication around the issue by indicating to

the public that the Committee heard their calls and understood what the calls meant, and also provide clarity on what the process of impeachment involved, how it had worked, how it may work and the foreseeable challenges. Moreover, Members of the PEC were asked to formulate a draft rationale for the non-recommendation of an impeachment provision, guided by the clarity provided by Dr Barnett, to circulate among Members for consideration at the next meeting.

**9.3.29.** The Chairman then invited Members to refocus on the issue of the selection process.

She noted that under the Constitution, the Governor-General was appointed by the Monarch on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

**9.3.30.** Recalling previous discussions of the Committee, the Chairman highlighted that there was consensus among Members that the Head of State would be nominated by the Prime Minister after consultation with the Leader of the Opposition and confirmed by Parliament *via* affirmative resolutions on a two-thirds (2/3) majority vote. A super-majority would signal consensus on the selection of the President. She highlighted further that the Committee considered several contingencies should a vote of Parliament be unsuccessful. It was proposed that an incumbent hold over or the Prime Minister appoint an interim President in the absence of an incumbent. Where an interim President was to be put forward for confirmation by the Parliament, such would require that the Prime Minister nominate after consulting with the Leader of the Opposition.

**9.3.31.** She then suggested that the Committee look at the process of an appointed President as opposed to an elected one and then invited Members to share their views on the proposed framework for appointment.

**9.3.32.** Senator Braham expressed that he agreed with a nomination by the Prime Minister after consultation based on how consultation was now understood. He shared that he did not require an agreement as such would not yield an outcome, as it may not suit one side. He also expressed a preference for both Houses sitting together and a combined two-thirds majority provide ratification.

**9.3.33.** Senator Scott-Mottley asked if he could clarify the process of consultation as he understood it.

**9.3.34.** Dr Barnett noted that the verbal formula “after consultation” allowed for a variation which included the Prime Minister speaking to the Leader of the Opposition and proceeding thereafter. He suggested that much depended on the personalities, moral principles, Constitutional Conventions, the latter of which needed to be explored in greater detail.

**9.3.35.** Senator Braham, by way of an example, stated that if he were the Prime Minister and Senator Scott-Mottley the Leader of the Opposition, he would call her to indicate that Dr Barnett would be the President. They would exchange views and whether they agreed or not, he would proceed. He noted that throughout their exchange, he may be convinced that Dr Barnett was not suitable and they subsequently agree on Dr McCarthy instead. This was the approach, assuming both parties spoke. In the instance that they did not speak, it was expected that an exchange of letters would take place whereby regardless of agreement, the Prime Minister would proceed. He explained that as he understood it, the people’s elected representative, otherwise the holder of the majority, would have some sway.

**9.3.36.** Mr Small commented that there was a mistaken assumption that the Prime Minister necessarily represented the majority. He invited Members to consider the demographics of Jamaica where situations could be anticipated in which it would be possible that the Prime Minister would be from a Party that did not have the majority of voters. In supporting Dr Barnett’s perspective that consultation depended on the personalities of leaders, he invited Members to recall circumstances in which the Prime Ministers had to consult with Leaders of the Opposition and the Prime Minister would speak to someone who had the ear of the Leader of the Opposition to sound out the perspective which determined whether anything was sent in writing. He also recalled other circumstances where the Prime Minister was not obliged to consult, for example on the choice of the Privy Council. There was a time where the Governor-General adamantly refused to appoint the persons that the Prime Minister put forward, which continued for a while and in the interest of not sullyng the perception that there was a fissure between the Governor-General and the Prime Minister, the latter allowed the former to proceed.

**9.3.37.** The Chairman noted two (2) important points raised throughout the discourse. The

first was the importance of the craft of statesmanship and how informal engagements could be useful in ensuring that once things were put in writing and form a part of the record, offices would be taken above the crassness of the business of politics; tracks could run in parallel, formally and informally. The second, related to the perspective that the Prime Minister represented the majority, raised the issue that Jamaica's democracy was not premised on the number of votes but the number of seats.

### *LUNCH BREAK*

**9.3.38.** The Chairman reminded Members of the discussion around the consultative process between the Prime Minister and the Leader of the Opposition and invited them to examine Section 32(5) of the Constitution which read:

*“Where the Governor-General is directed to exercise any function on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, the following steps shall be taken:-*

- (a) The Prime Minister shall first consult the Leader of the Opposition and thereafter tender his recommendation to the Governor-General;*
- (b) The Governor-General shall then inform the Leader of the Opposition of this recommendation and if the Leader of the Opposition concurs therein the Governor-General shall act in accordance with such recommendation;*
- (c) If the Leader of the Opposition does not concur in the recommendation the Governor-General shall so inform the Prime Minister and refer the recommendation back to him;*
- (d) The Prime Minister shall then advise the Governor-General and the Governor-General shall act in accordance with that advice.”*

**9.3.39.** Dr Spence noted that this model seemed designed for workability so as to avoid a gridlock.

**9.3.40.** Senator Scott-Mottley shared her understanding as one that boiled down to who was the Prime Minister and who was the Leader of the Opposition. She noted that in the

past, there were conversations either over the phone or in person and the matter of who would be appointed was discussed fully. She then queried whether the same procedure should be adopted to the appointment of the new Head of State. While she initially agreed with the model, she had seen how it would lead to some unnecessary public discourse which would bring the holder of the Office into disrepute. In the alternative, she proffered a view that it should be by agreement as was done in Barbados. This was queried by Dr Henry.

**9.3.41.** Senator Scott-Mottley clarified that this meant that both parties put up the nomination jointly, a move which she believed encouraged discussion, would be healthy for the democracy and would elevate it above the political fray. She noted that transitioning to a Republic gave Jamaica an opportunity for a different kind of governance which it should embrace.

**9.3.42.** Dr Henry expressed that he understood the President to be a symbol of national unity as well as a Statesman above the political fray and an arbiter between political parties where things became contentious. He queried whether the political voting history of the last election, whereby 63% of the population chose not to vote, would allow Jamaica to achieve such an objective, in light of calls for an elected President.

**9.3.43.** The Chairman therefore asked Members to consider whether Parliamentary confirmation would allow for a Presidential product that was reflective of national unity and above the partisan fray.

**9.3.44.** Dr Barnett suggested that what was sought was a person who could represent the nation and be accepted as a symbol of national unity. He flagged that such would be impossible to obtain in the electorate, with different parties saying different things. He reinforced that the entire aim was to have a show of consensus.

**9.3.45.** Senator Scott-Mottley enquired about how the process to elect would unfold if there was a desire to have someone above the fray. She wondered whether a political party or civil society would put forward a candidate.

**9.3.46.** The Chairman, in response, noted that there were different models, the simplest being a nomination from organized political entities (Parties), alongside independent candidates. Some involved going through a process similar to 'Primaries' in the USA. She indicated that asking persons to choose in a political



way would still be a downside, as it would be a partisan choice.

**9.3.47.** Following this, the Chairman further noted the progress made and the clarification provided around the nature of the Presidency and what the Presidency would be symbolic of. She reiterated the third form of Presidency suggested by Dr Barnett and reinforced that the President as a symbol could be considered under four headings namely:-

- (i) National Identity
- (ii) National Unity
- (iii) Above Partisan Fray
- (iv) Neutral Arbiter

**9.3.48.** She then noted that a host of Constitutional Conventions would be identified to determine how the consultation between the Prime Minister and the Leader of the Opposition could be improved, starting with an intention to achieve agreement.

#### **9.4. MINIMUM QUALIFICATION FOR MEMBERSHIP**

**9.4.1.** Mr Small opened the discussion by suggesting that citizenship be the only qualification.

**9.4.2.** Dr Spence highlighted that India included an age qualification in its Constitution.

**9.4.3.** The Chairman, in commenting on the issue of age, noted that a minimum age is often set because of the need for certain life experiences. She asked Members to consider whether there was any good value in having a minimum age having regard to what the Office represented and what minimum age would enable the holder to maturely discharge the functions of the Office.

**9.4.4.** A number of Members said that they had not given it much thought.

**9.4.5.** The Chairman then enquired about nationality and whether a naturalised Jamaican would be eligible.

**9.4.6.** Senator Scott-Mottley said that such an assessment could not be done in isolation of some of the previous conversations around qualifications to sit in Parliament. She noted that if it was determined that the person be Jamaican and be qualified to be a Member of Parliament, then the conversation would come full circle.

**9.4.7.** The Chair noted the comment but Senator Scott-Mottley expressed reservation

because the deliberations around dual citizens remained unresolved.

## **10. ANY OTHER BUSINESS**

- 10.1.** Dr Barnett enquired about the plan in respect of the public education and encouraged the Committee to resume engagement immediately so as to complete it before elections begins.
- 10.2.** Mr Small opined that what he perceived was necessary for public education to prepare the electorate to understand the Constitution was a far more focused programme than holding town hall meetings. They did not facilitate the education of a majority of sectors in the society that needed to be engaged in order to achieve a meaningful referendum.
- 10.3.** The Chairman noted that specific education was needed around the issues in Phase 1 and more generally, the Constitutional make up and systems of governance. Nevertheless, the Chairman asked that the matter be deferred until after Cabinet was updated.
- 10.4.** Members were then informed of a request for an interview from a Japanese media house and for a clip of the Committee at work.
- 10.5.** Ambassador Meade, in commenting on the request for the clip, urged Members to be mindful as if the Japanese media puts out videos of the Committee at work, local media houses may react negatively to another country's media gaining access despite their requests for access to Committee meetings.
- 10.6.** Dr Spence stated that whenever local media called upon the Committee, Members were often responsive and that the perception of the Committee in traditional media was not as bad as in non-traditional media spaces.

## **11. DATE AND TIME OF NEXT MEETING**

- 11.1. The next meeting was scheduled for Wednesday, September 27, 2023

## **12. ADJOURNMENT**

- 12.1. There being no other business, the meeting was terminated at 4:05pm on a motion raised by Dr Nadeen Spence and seconded by Dr Lloyd Barnett.